

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE STATE OF OKLAHOMA et al.,
Plaintiffs,
v.
JOSEPH R. BIDEN et al.,
Defendants.

No. 5:21-cv-1069-G

NOTICE OF SUPPLEMENTAL AUTHORITIES

Defendants hereby notify this Court of two recent decisions of relevance to this suit or authorities relied upon in the briefing presently before this Court. The first is a decision issued by the United States Court of Appeals for the Sixth Circuit in *In re: MCP No. 165, Occupational Safety and Health Administration, Interim Final Rule: COVID-19 Vaccination and Testing*, No. 21-4027, --- F.4th ---, 2021 WL 5989357 (6th Cir. Dec. 17, 2021). *See* Ex. A. That opinion dissolved the stay issued by the United States Court of Appeals for the Fifth Circuit in *BST Holdings, LLC v. Occupational Safety & Health Admin.*, No. 21-60845, 2021 WL 5166656 (5th Cir. Nov. 6, 2021) (staying an Emergency Temporary Standard issued by the Occupational Safety & Health Administration). *Id.* at *19. The second is a decision issued by the United States District Court for the Eastern District of Washington in *Donovan v. Vance*, No., 4:21-CV-5148-TOR, 2021, --- F. Supp. 3d ---, WL 5979250 (E.D. Wash. Dec. 17, 2021). *See* Ex. B. That opinion denied a motion for a preliminary injunction that included a challenge to the President's statutory authority to issue Executive Order 14042. *Id.* at *2, 8.

DATED: December 20, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

On December 20, 2021, I electronically submitted this document to the clerk of court of the U.S. District Court for the Western District of Oklahoma using the court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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